

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

OVER

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20658

Application 28447 of Don R. Schleicher

703 Park Lane, Santa Barbara, CA 93108

filed on May 2, 1985, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

(1) Perini Creek

Seigler Canyon thence

Cache Creek thence

Yolo Bypass thence

Sacramento River

(2) Unnamed Spring

Unnamed Stream thence

Perini Creek

2. Location of point of diversion:

40-acre subdivision
of public land survey
or projection thereof

Section

Town-
ship

Range

Base
and
Meridian

SOUTH 203 FEET AND WEST 1,410 FEET FROM
NE CORNER OF SECTION 21

NW $\frac{1}{4}$ OF NE $\frac{1}{4}$

21

12N

7W

MD

County of Lake

3. Purpose of use:

4. Place of use:

Section

Town-
ship

Range

Base
and
Meridian

Acre

RECREATION

STOCKWATERING

UNNAMED RESERVOIR WITHIN
NW $\frac{1}{4}$ OF NE $\frac{1}{4}$

21

12N

7W

MD

DOMESTIC

IRRIGATION

NE $\frac{1}{4}$ OF NE $\frac{1}{4}$

21

12N

7W

MD

15

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 14 acre-feet per annum to be collected from November 1 of each year to April 15 of the succeeding year.

(0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose.

(000005I)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants.

(0000006)

7. Construction work shall be completed within one year of issuance of this permit.

(0000008)

8. Complete application of the water to the authorized use shall be made by December 31, 1996.

(0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued.

(0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

11. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

13. Permittee shall install and maintain an outlet pipe of adequate capacity in the dam as near as practicable to the bottom of the natural stream channel, or provide other means satisfactory to the State Water Resources Control Board, in order that water entering the reservoir which is not authorized for appropriation under this permit can be released. Before storing water in the reservoir, permittee shall furnish evidence which substantiates that the outlet pipe or alternative facility has been installed in the dam. Evidence shall include photographs showing completed works or certification by a registered Civil or Agricultural Engineer.

(0050043)

14. This permit is subject to the prior rights of the Yolo County Flood Control and Water Conservation District to store water in Clear Lake as set forth in the Gopcevic Decree. During years in which the elevation of Clear Lake does not reach 7.56 feet as measured on the Rumsey Gage and water has not been discharged from Clear Lake to hold the water level down in compliance with the Gopcevic Decree, diversion under this permit is not authorized unless permittee enters into an agreement with Yolo County Flood Control and Water Conservation District or legally exchanges an equivalent amount of water from another source. Permittee shall provide verification in writing to the State Water Resources Control Board by May 1 annually that sufficient exchange water has been supplied to Yolo County Flood Control and Water Conservation District in the event the permittee did not enter into an agreement with Yolo County Flood Control and Water Conservation District.

Nothing in this term is intended to prohibit the permittee from purchasing water from the Yolo County Flood Control and Water Conservation District or other party when diversion under this permit is not authorized.

(022D002)

15. For the protection of fish and wildlife, permittee shall bypass the following minimum flows or the natural stream flow, whichever is less:

- a. From November 1 through February 29, 0.25 cubic foot per second until the reservoir fills, then permittee shall bypass 2.0 cubic feet per second.
- b. From March 1 through April 15, 0.5 cubic foot per second.

The bypass flow shall be measured at the point where Perini Creek leaves permittee's property which is the junction of Perini Creek and the north section line of Section 21, T12N, R7W, MDB&M.

During the period from March 2 through April 15, permittee shall direct bypass flows around the reservoir to minimize increases in stream water temperature.

(0140060)

16. In order to pass streamflow downstream during the period (April 16 to October 31 of each year) outside of the diversion season authorized under this permit, permittee shall install and maintain necessary channels, other conduits, and control devices, satisfactory to the State Water Resources Control Board, which are capable of bypassing all of the inflow to the reservoir from Perini Creek and the unnamed spring. Said channels, other conduits, and control devices shall be installed within 60 days from the date of this permit.

(0050300)

17. No water shall be diverted under this permit until permittee has installed devices satisfactory to the State Water Resources Control Board, which are capable of bypassing all inflow from the spring source and Perini Creek from April 16 to October 31 of each year required by the conditions of this permit. Said measuring devices shall be properly maintained.

Permittee shall install and maintain devices satisfactory to the State Water Resources Control Board to measure water diverted into the reservoir and water released from or flowing out of the reservoir.

(0550300)

18. The State Water Resources Control Board retains jurisdiction over this permit to modify the quantities of bypass flow required under this permit in the event downstream prior rights are not being satisfied and/or there is insufficient streamflow being bypassed by permittee to meet the bypass requirements on Perini Creek imposed by the Board in the permit issued pursuant to Application 27689.

(0160800)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

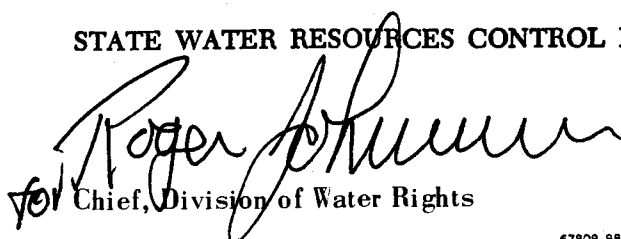
Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

MARCH 30 1993

STATE WATER RESOURCES CONTROL BOARD


for Chief, Division of Water Rights